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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine Electric
Utility De-Energization of Power Lines in Dangerous
Conditions.

Rulemaking 18-12-005
(Filed December 13, 2018)

**JOINT MOTION FOR EMERGENCY ORDER
REGARDING DE-ENERGIZATION PROTOCOLS DURING
THE COVID-19 PANDEMIC**

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Utility De-Energization of Power Lines in Dangerous
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**JOINT MOTION FOR EMERGENCY ORDER
REGARDING DE-ENERGIZATION PROTOCOLS DURING
THE COVID-19 PANDEMIC**

In accordance with Rule 11.1 of the Commission’s Rules of Practice and Procedure, the California State Association of Counties (CSAC), the Center for Accessible Technology (CforAT), the City of San Jose, the County of Santa Clara, East Bay Community Energy, the Joint Local Governments (the Counties of Kern, Marin, Mendocino, Napa, Nevada, San Luis Obispo, Santa Barbara, and Sonoma, and the City of Santa Rosa), Marin Clean Energy, Peninsula Clean Energy, Pioneer Community Energy, and the Rural County Representatives of California (RCRC) (together the Moving Parties) request that the Commission issue an emergency order setting forth de-energization protocols for the electric investor-owned utilities (“IOUs”) that will remain in place for as long as a State of Emergency or shelter-in-place order remains in effect due to the COVID-19 pandemic. These proposed protocols would be complimentary to the existing order prohibiting the IOUs from disconnecting customer accounts for nonpayment during the COVID-19 emergency, and would be temporary emergency

supplements to the existing de-energization rules and any new or modified rules that may be adopted in Phase 2 of this Rulemaking.¹

I. INTRODUCTION

Our cities, our state, our country, and our world are in the grip of a rapidly unfolding pandemic of a nature and proportions not seen in the last hundred years.² Every day brings news of new predictions for when the peak of this first outbreak will hit and how long the shelter-in-place orders that place daily life on hold might last; patient counts and death tolls that increase significantly overnight; and bleaker and more alarming predictions about supply shortages, strained resources, and the global economic fallout. At the beginning of April, Governor Newsom stated that California will need 50,000 extra hospital beds by mid-May and another 16,000 by the end of May.³ Though the Governor said on Friday that the administration is developing plans to get back to some semblance of normalcy, the state still needs “a few more weeks” to assess the pandemic before easing the social distancing guidelines.⁴ While it is not certain when or how the COVID-19 pandemic will abate, with each day that passes there is an increased likelihood that this emergency will last well into the 2020 fire season. The statewide shelter-in-place order has no end date, but the Bay Area’s current May 3 shelter-in-place end date is just 35 days before the date on which PG&E initiated its first de-energization event of 2019. And while medical experts and health officials are struggling to understand how the novel coronavirus may spread and the damage it may do, there appears to be a growing consensus that

¹ The question of whether the Commission should adopt specific de-energization protocols that would apply during any declared State of Emergency, and what those protocols should be, would be appropriate for consideration in a future phase of R.18-12-005.

² See *Proclamation of a State of Emergency*, State of California (Mar. 4, 2020), <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>.

³ Erin Allday, *California’s shelter in place may be working, but coronavirus is still a threat, Gov. Newsom says*, San Francisco Chronicle (April 1, 2020).

⁴ Alexei Koseff, *Gavin Newsom hints at California path to ‘some semblance of normalcy’ on coronavirus*, San Francisco Chronicle (April 10, 2020).

we as a nation are in this for the long haul.⁵ Some experts have predicted a resurgence of COVID-19 in the fall and winter flu season, which is also wildfire season.⁶

At the same time, California has received a fraction of the rainfall this winter that it should have and most predictions are that the 2020 fire season will be a hard one.⁷ It is entirely possible that a high-wind event will occur while shelter-in-place orders are in effect and/or our hospitals—including the temporary overflow medical facilities that are being mobilized in response to the pandemic—are still operating at maximum capacity. A de-energization event in the midst of the COVID-19 response efforts would risk the lives of patients on ventilators and other electricity-dependent medical equipment, and would force some individuals to leave their homes, thereby increasing the risk of COVID-19 exposure and spread. This would present a particularly unworkable choice for Access and Functional Needs (AFN) populations who use electricity-dependent medical equipment and who may also have preexisting conditions that make them more vulnerable to the effects of COVID-19. Special de-energization regulations, tailored to the COVID-19 situation, are urgently needed to ensure that any de-energization events in 2020 (or beyond) do not turn an already overwhelming public health crisis into a catastrophe.⁸

Even as the pandemic response is underway, the Moving Parties have reviewed the letter from the Commission, CalOES, and Cal FIRE that was sent to all county executive officers on March 30, 2020, which emphasizes the need for the state and the investor-owned

⁵ See Dan Verago, *Social Distancing Might Stop. And Start. And Stop. And Start. Until We Have A Vaccine*, BuzzFeed News (April 1, 2020).

⁶ *Ibid.*

⁷ See, e.g., https://www.predictiveservices.nifc.gov/outlooks/monthly_seasonal_outlook.pdf.

⁸ See J.D. Morris, *Could coronavirus collide with wildfire season? California is preparing for it*, San Francisco Chronicle (Mar. 19, 2020).

utilities to continue preparing for wildfire season.⁹ As the people with primary responsibility for management of and response to de-energization events and wildfires, as well as to the COVID-19 pandemic, the local governments could not agree more that continued preparation for the upcoming fire season is critical. In recent years, California's cities and counties have experienced first-hand the devastation of wildfires and the chaos of de-energization events. The local government members of the Moving Parties heartily support the investor-owned utilities' wildfire and de-energization mitigation efforts and greatly appreciate the State's support and partnership, as do representatives of AFN communities at increased risk from both COVID-19 and from de-energization events. The preparedness and mitigation efforts addressed in the March 30 letter are, however, the business-as-usual measures that the utilities have pledged in their Wildfire Mitigation Plans and de-energization protocols. Those efforts must continue, but the state also needs de-energization protocols that address the extraordinary circumstances created by the COVID-19 pandemic.

II. PROPOSED EMERGENCY PSPS/COVID-19 REGULATIONS

To reduce the foreseeable threats to public health and safety from de-energization during the COVID-19 pandemic, and to reduce the likelihood that our governments and healthcare providers will have to respond to two widespread, society-altering emergency events simultaneously, the Moving Parties request that the Commission adopt the following emergency regulations, to be implemented immediately in accordance with the Commission's authority, and to remain in place for the duration of the statewide COVID-19 emergency declaration or any local shelter in place order:

1. Prior to implementing a de-energization event, a utility must coordinate with local emergency managers within the potential outage footprint,

⁹ The letter is Attachment A to this motion.

CalOES, Cal FIRE, and the Commission's Safety and Enforcement Division to evaluate the need for de-energization and to assess the potential impacts. Any decision to de-energize made by the utility following this consultation would not preclude the exercise of any legal rights or remedies available to the Commission or members of the public to hold utilities responsible for actions taken during the implementation of the de-energization event, including denial of cost recovery, and would not preclude the Commission's after-the-fact assessment of the reasonableness of the de-energization event, or relieve the utilities of the responsibility to comply with the de-energization regulations set forth in Resolution ESRB-8, D.19-05-042, or any subsequent Commission order, during implementation of the de-energization event.

2. The utilities may not de-energize any line, circuit, or substation serving any city, county, tribe, or community with a shelter-in-place order due to COVID-19, without providing to the local and state entities listed in (1) above quantitative and qualitative analysis of the risk of utility-caused ignition from the impending weather event and the harms that are likely to result from de-energization. As part of that analysis, the utilities must consider factors including, but not limited to:
 - a. The number of hospitalized COVID-19 patients in the de-energization footprint, as reported by state or local health departments;

- b. The number of reported cases of COVID-19 in the de-energization footprint, as reported by state or local health departments, and any available demographic breakdowns (e.g., age groups of patients);
- c. The number of AFN individuals in the de-energization footprint, including customers enrolled in the utilities' medical baseline program, customers who were identified as ineligible for transition to default TOU based on the identification of a household member as having a chronic illness or other medical condition, customers who receive bills or other notices from the utility in alternative formats or languages other than English, customers who have otherwise self-identified as having a disability, and customers enrolled in CARE, FERA, and any other income-assistance programs;
- d. The number and type of critical facilities in the de-energization footprint, and the known or likely results of de-energizing those facilities (e.g., loss of ability to process wastewater, loss of internet or phone service, hospitals' inability to perform medical procedures, compromised safety at correctional facilities, loss of bulk refrigeration capacity for warehouses and grocery stores, pharmacy closures, etc.);
- e. The wind speed-related failure thresholds of the transmission lines and distribution circuits in the outage footprint;

- f. Up-to-date weather modeling showing areas of highest actual or predicted wind speeds;
- g. The status of vegetation management work completed along the transmission lines and distribution circuits that are under consideration for de-energization;
- h. An explanation of the options for keeping potentially impacted infrastructure energized, including sectionalization, portable generation, redirecting power, and real-time observation;
- i. The available personnel and resources that can be put in the field to monitor real-time conditions on potentially impacted transmission lines and distribution circuits;
- j. The estimated individual and community financial losses, including spoiled food and medication, lost revenue by small businesses that cannot operate without power, lost wages by the employees of those small businesses, and other similar monetary harms based on damage claims made following the de-energization events of 2019; and
- k. The estimated increased medical risk to the affected population, including the AFN population, including risk of harm due to nonfunctioning medical devices, increased risk of poor health outcomes due to lost medication, risk of harm due to lost ability to manage indoor temperature, increased response time for emergency calls due to demands on the emergency response

system, and other similar medical risks based on information learned during the 2019 de-energization events.

3. Local governments, through the Operational Area, will have the ability to request and receive an exemption on a per-event basis from de-energization if their public safety capabilities have been degraded by COVID-19 such that a PSPS event would exceed the local capacity to respond to the consequences of a shutoff. To obtain such an exemption, the local government will submit to the utility and the Commission's Director of Safety and Enforcement a written or oral explanation of the current local COVID-19 response measures, personnel and equipment resources, numbers of critical patients and confirmed cases of COVID-19, and an explanation of why the local government would lack the capacity to respond to the consequences of a de-energization.
4. The utilities must not de-energize transmission lines or distribution circuits in counties with active shelter-in-place orders without first receiving written confirmation from the county emergency manager that de-energization will not exceed the local capacity to respond to the consequences of a shutoff. If the de-energization footprint includes a city with more than 100,000 inhabitants, the utility must also receive written confirmation from the city emergency manager that de-energization will not exceed the local capacity to respond to the consequences of a shutoff, unless the city does not have a dedicated emergency manager.

5. The utilities must limit in scope and duration any de-energization action that would result in the loss of power to residential customers (or a vulnerable subgroup thereof) that are subject to a quarantine, shelter-in-place, or similar order or requirement when the heat index is at the “Danger” or “Extreme Danger” level, as determined by the National Weather Service.
6. If de-energization cannot be avoided, the utility must not shut off the power until absolutely necessary, must limit the de-energized areas through the use of temporary backup generation and grid-based solutions, and must prioritize the location(s) of Critical Treatment Facilities, as defined below, for re-energization.
7. By June 1 2020, the utilities must partner with local governments and state agencies to identify all facilities currently being used to treat serious and critical condition patients, and all facilities that have been identified as planned or potential “overflow” treatment facilities for serious and critical condition patients. Facilities subject to this requirement shall be known as “Critical Treatment Facilities” (“CTFs”). CTFs may be temporary or permanent facilities and may include, but are not limited to, hospitals, urgent care centers, overflow critical care centers, rural clinics, nursing homes, hospice centers, hotels, and other essential public health facilities. The utilities must partner with local governments and state agencies to keep a list of all CTFs, and must keep this list updated on a daily basis for the duration of the COVID-19 response in California.

8. By June 1, 2020, the utilities must partner with local governments and state agencies to develop plans to ensure that all CTFs remain fully energized during any de-energization outage, and shall work with local governments to provide any necessary temporary backup generation to all CTFs. CTFs must have sufficient backup power and fuel reserves to remain energized for five days.¹⁰
9. The utilities are prohibited from undertaking any de-energization activity that could result in a disruption to the power supply of any CTF. Prior to initiating any de-energization event, the utility must ensure that every CTF that could be impacted by the de-energization event has adequate backup power in place, has been provided notice of the impending de-energization event, and that the de-energization event will not result in any loss of power to the CTF.
10. By June 1, 2020, the utilities must partner with local governments, state agencies, and the identified large commercial customers to develop plans to ensure that essential business facilities, including but not limited to the following, remain energized during de-energization events: retail grocery stores; drugstores; pharmacies; shopping services that deliver groceries and essential household goods (e.g., Amazon, UPS, FedEx); funeral services; the facilities and transportation/delivery infrastructure that supply essential business facilities; gas stations; residential facilities for seniors and people with developmental disabilities or other conditions; and

¹⁰ This timeframe is based on the back-to-back de-energization events in PG&E's service territory in late October 2019, which resulted in some customers losing power for close to a week.

any other facilities identified in existing or future shelter-in-place orders.

The utilities' plans must prioritize grid-based solutions for the transmission lines and distribution circuits serving the identified facilities, including sectionalization, system hardening, portable generation at substations, and re-directing the flow of power, regardless of whether the facility is already equipped with backup generation. Where the facility is not already equipped with backup generation, or is equipped with limited backup generation, the utilities must work with local governments to provide any necessary temporary backup power sufficient to allow each facility to withstand a five-day outage.

11. The utilities must keep a record of local facilities (e.g., schools, hotels, shelters, nursing facilities), identified by local governments, that house vulnerable populations and/or might be used as evacuation shelters or Community Resource Centers that allow people to stay in separate rooms. The utilities must partner with local governments to develop plans to ensure that these facilities remain energized during a de-energization event. The utilities' plans must prioritize grid-based solutions, regardless of whether the facility has backup generation, and include plans developed in partnership with local governments for temporary backup generation sufficient to withstand a five-day outage.

12. Telecommunications infrastructure must remain energized if any local or statewide shelter-in-place order is in effect. The utilities must partner with the telecommunications service providers to ensure that wireless, landline,

emergency warning, 9-1-1, and all other services can remain operational during a de-energization event. The utilities and telecommunications service providers must ensure that telecommunications infrastructure is equipped with at least five days of backup power and provide such backup power if necessary. The utilities must partner with local governments to develop a plan for emergency notifications and other critical communications in the event telecommunications services go down. Utilities must immediately notify local governments and public safety partners of the telecommunications infrastructure located in the de-energization area, in advance of each de-energization event.

13. The utilities must develop a claims process for financial losses resulting from a de-energization event that occurs during a federal-, state-, or local-declared state of emergency or state or local shelter-in-place order.
14. After any de-energization event that last for more than five hours, or any two de-energization events lasting two hours or more that occur in the same 48-hour period, the utility will provide all affected residential customers a bill credit, to be applied to the next billing cycle immediately following the de-energization event(s), in an amount set by the Commission to reasonably compensate those customers for grocery loss, including the cost of delivery service or similar benefit for impacted individuals located in areas where grocery delivery service is unavailable.
15. All de-energization events that impact a city, county, tribe, or community with a shelter-in-place order in effect due to COVID-19 shall be subject to

an after-the-fact reasonableness review by the Commission. Any utility that engages in a de-energization event that is unreasonable, overbroad, or is not conducted according to these rules shall be subject to sanction by the Commission.

In addition to the COVID-19-specific measures outlined above, it is critical that the utilities provide early, ongoing, and accurate communication to local governments and public safety partners. Local governments need to know of potential PSPS events impacting them or neighboring jurisdictions, and need to understand the utility's weather data and weather-related impacts to transmission and distribution infrastructure, what system hardening measures are in place, what substation-level backup generation is or can be deployed, and what the actual outage footprint is—regardless of whether the information evolves over time. Timely and accurate information must also be provided to the public. And it is critical that local governments receive information about potential or ongoing de-energization events at the same time it is provided to state agencies, if not before. All emergencies are managed at the local level, and there is no operational or logistical justification for providing critical information to local governments only after the state agencies have received it. Local governments are the first line of defense in any emergency.

These proposed measures are largely refinements of the utilities' existing de-energization programs and the existing Commission requirements. The utilities are already working with local governments, telecommunications service providers, and state agencies to design PSPS practices and provide resources that meet the needs of the potentially impacted communities. The utilities have begun to develop protocols to provide some additional resources

to AFN populations, though far more work must still be done.¹¹ The utilities are also working to sectionalize and harden their transmission and distribution systems, and they do have some flexibility in terms of keeping certain parts of their systems energized, particularly in the short-term with the aid of portable generation at substations.¹² While the Moving Parties recognize that the utilities' ability to reconfigure their systems has limits, some of the Moving Parties' members witnessed first-hand the utilities' ability to keep critical facilities energized and to re-route power on some parts of the grid during the 2019 de-energization events. Where grid-based solutions are not possible to keep facilities energized, the utilities are already charged with working to ensure that critical facilities have sufficient backup generation, and the utilities are also able to provide some emergency generation to critical facilities and AFN households during PSPS events. Based on the work the utilities are already obligated to undertake, the Moving Parties believe that the proposed emergency requirements relating to advance planning, system hardening and enhancement, and AFN population support are both feasible and necessary for the large electric utilities to achieve.

The proposed requirements that allow local governments to request—and receive—an exemption from de-energization, and that would require utilities to prepare a backup plan to ensure hospitals and other facilities critical to continuity of essential services remain energized, present implementation questions that are more complex, but no less necessary. The ability for Critical Treatment Facilities, essential government services and facilities, and grocery stores and pharmacies to remain energized during COVID-19 response is non-negotiable. California's communities cannot face dueling emergencies where the first requires ventilators to

¹¹ See, e.g., *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, at 5-300 (Feb. 28, 2020).

¹² See, e.g., R.19-09-009, PG&E Supplemental Testimony (April 1, 2020), ch. 1, Attachment A, *PG&E's Transmission Facility Assessment Review for DGEMS Locations March 26, 2020*.

keep patients alive and the second requires that the power supply to those ventilators be shut off. Beyond the fundamentally incompatible nature of the COVID-19 pandemic and de-energization events, if local governments' response to COVID-19 has depleted their public safety capabilities, including any available state and federal resources, to the extent that they cannot respond to the impacts of a de-energization event, that fact cannot be ignored. The utilities must use all the resources available to them to ensure that a de-energization event does not compound the risk to public safety.

In the context of routine maintenance outages, the utilities have already recognized that power outages while shelter-in-place orders are in effect would be problematic. PG&E has indicated that it recognizes the necessity of curtailing planned outages during the COVID-19 pandemic. For example, for cities and counties that had a local shelter-in-place order prior to the Governor's enactment of the statewide stay-at-home order,¹³ PG&E cancelled all planned interruptions, gas and electric, in those counties.¹⁴ PG&E's website currently states that it is focused on prioritizing critical and essential safety maintenance work, and where a planned outage is necessary to perform essential safety work, PG&E will minimize customer impact with temporary construction or generation.¹⁵ SDG&E has pledged to postpone all planned outages not related to customer safety, emergencies, and wildfire safety, and states that it will continue to do everything it can to decrease disruptions for customers.¹⁶ SCE emphasizes the need to continue wildfire-prevention work but pledges to postpone noncritical work that would cause a

¹³ Executive Order N-33-20, Executive Department State of California (Mar. 19, 2020).

¹⁴ Richard Halstead, *PG&E Cancels Marin Power Shutoffs During Virus Lockdown* The Marin Independent Journal (Mar. 19, 2020).

¹⁵ PG&E website, https://www.pge.com/en_US/about-pge/company-information/protective-protocols/covid19.page?WT.mc_id=Vanity_covid19; see also *United States: For Customers Adjusting to COVID-19 Restrictions, PG&E Offers Ways to Reduce Energy Use and Bills*, Al Bawaba (Mar. 21, 2020).

¹⁶ Planned Outages, SDG&E website, <https://www.sdge.com/coronavirus#outages>.

customer outage and to evaluate each outage on a case-by-case basis.¹⁷ For the upcoming fire season, it is critical that the utilities take aggressive action to ensure that the acknowledged harms that will result from small routine de-energizations are not made exponentially worse by de-energization events impacting thousands or even millions of people in the midst of the COVID-19 pandemic.

The Moving Parties' request that the public safety considerations related to the COVID-19 pandemic take precedence over de-energization may sound like an impossible trade-off: reducing the risks associated with harming critically ill patients and spreading the virus by increasing the risks associated with wildfires. The Moving Parties do not believe that, in reality, the requested measures present such a catch-22. Even without a pandemic, the massive de-energization events of 2019 demonstrated the risks of shutting off power to large populations and particularly to vulnerable individuals. The Commission has been emphatic in its insistence that events of the size and scope of 2019 should not happen again. Moreover, the utilities have the information and tools necessary to implement the proposed COVID-19 de-energization regulations set forth above. The de-energization events in 2019 affected the same areas repeatedly. The utilities have a significant amount of historical weather data and fire threat modeling, and have the ability to create de-energization scenarios based on that data and modeling.¹⁸ The utilities know which circuits and transmission lines were repeatedly de-energized due to their location in high-wind areas with large amounts of vegetation. The utilities are also working to refine the risk thresholds on their electrical infrastructure to withstand higher

¹⁷ Scheduled Power Outages, SCE website, <https://www.sce.com/safety/coronavirus>.

¹⁸ See, e.g., *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, at 3-1 to 3-13 (Feb. 28, 2020); *Southern California Edison 2020 Wildfire Mitigation Plan*, R.18-10-007, at 3-1 to 3-5; *San Diego Gas & Electric Company 2020 Wildfire Mitigation Plan*, R.18-10-007, at 56 to 60.

wind speeds before requiring de-energization.¹⁹ De-energization practices that rely on higher risk thresholds and more granular data inputs should reduce the necessity for de-energization events and will reduce the size and duration of the de-energization events that cannot be avoided. And where de-energization cannot occur, under the requirements proposed above, the utilities can work with state and local agencies to ensure that electrical lines in high-risk areas are monitored in person and in real-time with cameras and situational awareness technology, and that resources are staged in the field to respond swiftly to any equipment failures or vegetation blow-ins.

The utilities have the ability to reduce the need for de-energization events, to plan for likely de-energizations in specific areas and estimate the impact on individuals and communities of any events that may still be needed, to work closely with local governments and state agencies to prepare for the upcoming fire season, and the resources and operational control over their systems to implement the measures proposed in this motion. Keeping the public safe during the COVID-19 pandemic and wildfire season will not be easy, but it has to be done. The stakes are too high not to.

III. EMERGENCY PSPS PROTOCOLS ARE NEEDED TO PROTECT PUBLIC HEALTH AND SAFETY

The 2019 de-energization events brought ordinary life to a grinding halt, put significant strain on local governments' resources and budgets, caused substantial economic losses for businesses and individuals, and put the lives of thousands of vulnerable individuals at risk. The specific disruptions to daily life and societal continuity created by de-energization events and COVID-19 are different, but both emergencies interrupt the basic functions of our

¹⁹ See, e.g., *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, at 5-134 (Feb. 28, 2020); *Southern California Edison 2020 Wildfire Mitigation Plan*, R.18-10-007, at 5-91 to 5-92; *San Diego Gas & Electric Company 2020 Wildfire Mitigation Plan*, R.18-10-007, at 86.

lives and require government response to such an extent that it may be impossible to effectively respond to both events simultaneously.

There are several specific ways that a PSPS outage during the COVID-19 emergency would be likely to have serious impacts on public health and safety. First, California's hospitals are either bracing for or already dealing with an influx of gravely ill patients. It is likely that the number of COVID-19 patients in critical condition will exceed the number of available hospital beds in some areas. This will require the use of alternative facilities to treat "overflow" COVID-19 patients. Such facilities will likely include repurposed medical offices and urgent care centers, newly-constructed temporary hospitals, rural clinics, use of hotel rooms for quarantine or care facilities, and the instillation of beds and respirators in gyms, community centers, and similar facilities. Temporary hospitals are already being built in communities across California and the country, and state and local emergency planners and health officials are working diligently to identify appropriate sites for overflow treatment centers. In this context, even a small de-energization event could be devastating. Many COVID-19 patients in critical condition require electrically powered ventilators to live.²⁰ While hospitals have backup generation on site, having to switch to backup power may limit the procedures they can perform, and hospitals may not be able to guarantee continuous power supply for all electricity-dependent patients. Furthermore, switching to backup generators may pose additional risks to hospitals and facilities treating COVID-19 patients. A recent equipment malfunction related to a planned power outage to test a hospital's emergency backup generators may have exposed patients and staff at the San Diego Veterans Administration Medical Center to COVID-

²⁰ See, e.g., Jackson Ryan, *Coronavirus ventilators: Why one machine is pivotal in the battle against COVID-19* (April 2, 2020), <https://www.cnet.com/features/coronavirus-ventilators-why-one-machine-is-pivotal-in-the-battle-against-covid-19/>.

19.²¹ Even more concerning is the potential impact of PSPS outages on “overflow” treatment facilities. Many of these facilities will have to be deployed on rapid timelines and it is uncertain whether these facilities will have backup generation resources on site, much less adequate backup generation to provide continuous electricity to all patients for the duration of a multi-day de-energization event. While local governments can work to ensure these facilities obtain backup generation, resource constraints may slow this process and a de-energization event before the facilities are prepared could have catastrophic consequences.

Second, a de-energization event during the COVID-19 emergency would significantly disrupt social distancing and shelter-in-place efforts and potentially expose many of the most vulnerable individuals to possible infection. As the state has recognized, it is particularly important that those most vulnerable to COVID-19—AFN individuals including people with pre-existing medical conditions, as well as individuals over 65 year of age—remain at home and avoid all unnecessary contact.²² In the face of a potential de-energization event, vulnerable individuals who rely on electrically powered medical equipment will be forced to leave their homes and evacuate to hospitals, other shelter sites, or the homes of family or friends. Any of these options comes with an increased risk of exposure. Similarly, during a de-energization outage many individuals who are currently sheltering in place will be forced to leave their homes to secure basic services.

Third, a de-energization event during a shelter-in place order is dangerous during high-heat and cold overnight conditions. The elderly, disabled, and those with pre-existing medical conditions are particularly vulnerable to the danger of heat exposure and low overnight

²¹ Jill Castellano, *Malfunctioning Equipment Possibly Exposed San Diego VA Staff, Patients to Airborne COVID-19*, KPBS (March 31, 2020) <https://www.kpbs.org/news/2020/mar/31/malfunctioning-equipment-possibly-exposed-san-dieg/>.

²² See *COVID-19 Updates*, California Department of Public Health (April 4, 2020), <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

temperatures. During a multi-day outage, these individuals lose access to air conditioning and heating for an extended period of time. A de-energization event during a heat wave or in areas with low overnight temperatures could force many vulnerable individuals to choose between staying home and weathering the extreme temperatures, or leaving home and risking exposure to COVID-19.

Fourth, as discussed above, a de-energization event during the COVID-19 emergency will risk overburdening emergency response and public health efforts. Even during otherwise “blue sky” conditions, de-energization events have proven to be disasters in and of themselves that have placed significant strain on critical services. These difficulties would be compounded by the operational obstacles created by de-energization events during COVID-19 response measures—including disruptions to communications and information infrastructure used by first responders and medical professionals, and the need to respond to other emergencies without increasing the risk of exposure of individuals, particularly vulnerable individuals, to the virus. .

Fifth, the impacts of a dual COVID-19/de-energization event would reach beyond medical care issues. Bulk retail stores, grocery stores, and pharmacies are struggling to keep basic supplies in stock as a result of the COVID-19 pandemic; if those stores or their suppliers lost power as well, the resulting shortages or store closures would, at best, worsen supply shortages that are already harming low-income, medically vulnerable, and other at-risk populations, or, at worst, could spark civil unrest. A de-energization event during the pandemic would also result in greater food losses due to lack of refrigeration. Replacing lost food is already difficult, particularly for AFN populations, as a trip to the grocery store increases the risk of exposure to the virus; the public’s bulk-buying spree has significantly depleted available

grocery supplies; and grocery delivery services are becoming more and more limited.

Additionally, many Californians are already coping with loss of income due to unemployment and are struggling from paycheck to paycheck. The additional expense associated with replacing lost food would exacerbate the economic burden of this pandemic, and the increased traffic at stores as everyone in an affected community would seek to replace their supplies at the same time would harm efforts to limit interactions to avoid risk of infection. The potential loss of internet, phone, and emergency warning systems due to a de-energization would compound the threat to public safety that already exists because of COVID-19. And public transportation service cutbacks and the limitation of travel-for-hire to essential functions will also harm the ability of vulnerable individuals to meet their basic needs if the power is shut off.

Any exercise in balancing harms and benefits of de-energization will be imprecise; a balance attempted before turning off the power will require estimating the likelihood of an ignition, the magnitude of harm from that ignition, and the harm from shutting off the power, while an after-the-fact analysis requires measuring actual harms against theoretical ones. Many of the actual harms from de-energization have been identified, and some have been quantified. A recent study, which the Moving Parties believe is the first of its kind, concludes that the costs of de-energization to impacted individuals and businesses are greater than the benefits from reduced wildfire risk.²³ While the Moving Parties do not endorse this study as the final word on de-energization costs versus benefits, and while it is important to note that the study does not make any attempt to quantify the very real harms that are specific to AFN individuals, such as loss of refrigerated medication and the costs of mitigating the loss of in-home electricity for medical equipment, or the health impacts of being unable to use medical

²³ *Playing with Fire: California's Approach to Managing Wildfire Risks*, Jonathan A. Lesser and Charles D. Feinstein (April 7, 2020), available at <https://www.manhattan-institute.org/managing-california-wildfire-risk>.

devices, the study is a relevant data point in our evolving understanding of de-energization events.

The Moving Parties do not argue that de-energization provides no benefit to public safety. But 2019 made it clear that de-energization events also create widespread physical and economic harm. It must additionally be acknowledged that de-energization is not a failsafe against wildfires. Though the official cause of the 2019 Kincade Fire has not yet been determined, the fire started in the midst of the late October de-energization events near a broken jumper wire on a PG&E transmission tower. The other public safety risks of de-energization are substantial and run a broad spectrum of harm. While the 2019 de-energization events reduced the risk of wildfire ignition from utility facilities, de-energization increases risk of ignition from other sources such as portable generators and increased outdoor cooking on grills or barbecues. De-energization events place medically vulnerable individuals at risk of harm or death; in 2019, there were reports of elderly citizens trapped in their homes due to non-functioning elevators, and people experienced loss of urgently needed medication and food, as well as use of various medical devices. In addition, during de-energization events the number of vehicle accidents increases due to loss of traffic signals and dark roads at night, and the loss of water, wastewater, and telecommunications services can further imperil the health and safety of the impacted public. These harms are likely to increase if a potential de-energization event will impact a community experiencing the COVID-19 pandemic. In this context, even more than was the case previously, any decision to de-energize must be given serious and judicious consideration.

The enormous strain that the COVID-19 emergency has placed, and will continue to place, on our public services and healthcare system is clear. Given the unprecedented measures that are required to slow the spread of COVID-19, the stress on state and local

resources created by the response to COVID-19, and the serious health and economic risk COVID-19 poses to all California residents, and vulnerable populations in particular, a de-energization event during the pandemic could be catastrophic. De-energization requirements specific to the COVID-19 pandemic do not inherently force a choice between wildfire safety and COVID-19 safety. With proper advance planning and coordination between the utilities, local governments, and state agencies, and with increased deployment of grid-based strategies and portable backup generation, it should be possible to avoid choosing between shutting off power to communities fighting against COVID-19 and preventing a wildfire.

IV. CONCLUSION

The circumstances presented by the COVID-19 pandemic are extraordinary and they require an extraordinary response. We have already seen such a response from our governments, at all levels, and from our fellow citizens. To preserve the work that has been and will continue to be done to limit the spread of COVID-19 and to save the lives of those who are sick, the Moving Parties ask the Commission to adopt the emergency PSPS regulations set forth in this motion.

Respectfully submitted April 13, 2020, at San Francisco, California.

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ATTACHMENT A



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES



March 30, 2020

RE: Essential Wildfire and Public Safety Power Shutoff Mitigation Work

Dear County Executive Officer:

We greatly appreciate your continued partnership as all of California's communities come together to confront the COVID-19 pandemic. During this uncertain and difficult time, we are writing because we cannot lose sight of the additional threat of catastrophic wildfires, which has the potential to significantly magnify the current emergency in the near future.

Despite the added challenges we are all facing, and the shelter-in-place mandate that impacts the daily lives of Californians, we must all continue to work together to prepare for the coming wildfire season. The past several years have shown the devastating impact fires and the use of Public Safety Power Shutoffs (PSPS) can have on communities. Based on this experience, significant actions to minimize risk are underway and must be completed prior to this year's fire season.

As the State of California responds to the COVID-19 pandemic, it continues to prioritize preparing for fire season as a critical function of state government and has made adjustments, where necessary, to ensure state resources and staff remain fully engaged in this effort.

The state's investor-owned utilities also cannot let up on efforts to reduce the significant risk of wildfire this season, including critical upgrades to their electrical transmission and distribution systems to minimize their potential use of PSPS. Given the current stay-at-home order, however, we have advised the investor-owned utilities that any work involving planned electrical outages must be done in close coordination with local jurisdictions and must include measures to minimize impacts on residents and businesses.

Specifically, we expect the investor-owned utilities to:

- Limit planned outage work to wildfire mitigation, PSPS reduction, immediately necessary reliability, and emergency/public safety projects;

- Reduce duration of outages and consider shifting work to night-time hours, wherever possible, to minimize impact on day-time household activities; and
- Communicate directly with affected customers, local jurisdictions and emergency management partners explaining the critical nature of the work to be performed and adjustments the utilities have made to minimize the impact.

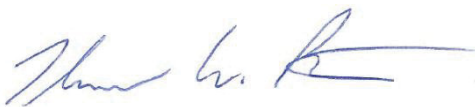
Provided these measures are used, the investor-owned utilities must continue to prioritize and expedite the following:

- Wildfire mitigation and wildfire risk reduction tasks, including system hardening, vegetation management, and enhancements to grid operations;
- PSPS mitigation and reduction tasks, including sectionalization projects, local outreach and coordination, establishing customer resource centers, and microgrid projects; and
- Any other critical work related to operating a safe and reliable grid and mitigating wildfire and/or public safety power shutoff risk.

It is critical we continue to plan for, and mitigate, the potential impacts of the interplay of the threat of wildfires and the potential spread of COVID-19. We appreciate your continued support of investor-owned utilities conducting essential work to help protect your communities from wildfire and PSPS events. Californians are relying on all of us to reduce the threat of wildfires and take all steps necessary to keep their communities safe this season. That is our joint mission.

We look forward to continuing to partner with you to support communities through this time while maintaining the pace and scale of preparations for the coming wildfire season.

Sincerely,



Thomas W Porter
Director
CAL FIRE

Sincerely,



Mark S. Ghilarducci
Director
Cal OES

Sincerely,



Marybel Batjer
President
CPUC